

**REMARKS**

Claims 1-3, 5-20, 23, 24, 27-31, and 50-59 are pending in the application. Claims 1-3, 23, 27, 28, 53, and 56-58 have been amended. Claims 7, 50-52, 54, 55, and 59 have been canceled. Claims 1-3, 6, 8-20, 23, 24, 27-31, 53, and 56-58 remain in the application.

**Claim Rejections – 35 U.S.C. §112**

Claims 53 – 55 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. This rejection is overcome by amending claim 53 and canceling claims 54 and 55.

**Claim Rejections – 35 U.S.C. §102**

Claims 1-3, 5-11, 16, 17, 23, 24, 27, 50-55, 58 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Lewin (US 2,649,595).

Claims 1-3, 5-11, 16, 17, 23, 24, 27, 50-52, 58 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Neale (US 6,119,419).

Claims 1-3, 5-11, 16, 17, 23, 24, 27, 50-55, and 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Sekido et al. (US 4,965,899).

Claims 1-3, 5-11, 16, 17, 23, 24, 27, 50-52, 58 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Meiler (US 4,425,910).

Claims 1, 5-11, 16, 17, 23, 24, 27, 50-52, and 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanigowski (US 5,174,526).

Claims 1, 5-11, 16, 17, 23, 24, 27, 50-52, and 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanigowski (US 5,452,868).

Claims 1, 5-11, 16, 17, 23, 24, 27, 50-52, and 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by DePascal et al. (US 5,718,476).

Claims 1, 5-11, 16, 17, 23, 24, 27, 50-52, and 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 60-45437.

Claims 1, 5-11, 16, 17, 23, 24, 27, 50-52, and 57-59 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 61-36029.

Claim Rejections – 35 U.S.C. §103

Claims 12-15 and 56-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewin '595.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meiller '910.

Claims 18-20 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewin '595 in view of Reeder et al. '209.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meiller '910 in view of Reeder et al. '209.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanigowski '526 in view of Reeder et al. '209.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanigowski '868 in view of Reeder et al. '209.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DePascal et al. '476 in view of Reeder et al. '209.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 60-45437 in view of Reeder et al. '209.

Claims 1, 27, and 28 have been amended to recite that the first section and the second section overlie a common rigid planar platform, that the flexible sheet includes a first sheet member coextensive with the first section and a second sheet member coextensive with the

second section, and that the first sheet member is attached to the second sheet member by an articulated hinge. (claim 1) Claims 27 and 28 recite substantially identical structural elements.

Regarding the rejections of claims 1 and 27 as being anticipated by Neale (US 6,119,419), Sekido et al. (US 4,965,899), Meiller (US 4,425,910), Kanigowski (US 5,174,526 and 5,452,868), DePascal et al. (US 5,718,476), JP 60-45437, and JP 61-36029, these patent documents disclose the structure and operation of adjustable car seat backrests and seat cushions, which are different from mattresses having a sleeping surface and also lack the first and second section overlying a common rigid planar platform recited, for example, in the amended independent claims 1, 27 and 28.

Applicant therefore submits that the independent claims 1 and 27, and the claims depending therefrom are patentable over Neale, Sekido et al., Meiller, Kanigowski, DePascal et al., JP 60-45437, and JP 61-36029, and withdrawal of the rejection is respectfully requested.

Lewin '595, as applied against claims 1 and 27 under 35 U.S.C. §102, and in combination with Reeder '209 under 35 U.S.C. §103 against claim 28, discloses an adjustable bed mattress, whereby the examiner equates the bottom of member (20) as the flexible sheet. However, Lewin fails to disclose that the flexible sheet has two sheet members attached to each other by an articulated hinge. Instead, Lewin discloses a top member 56 (which is not flexible) pivoted relative to the base member 55 by means of hinges 57 (col. 5, lines 40-42).

Since Lewin fails to disclose at least the limitation of two sheet members attached to each other by an articulated hinge, which is also not found in Reeder, claims 1, 27 and 28, as amended herein, are patentable over Lewin and Reeder, taken either alone or in combination. The retained dependent claims depending from claims 1, 27 and 28 are then also patentable for at least the reasons that claims 11, 27 and 28 are patentable, and withdrawal of this rejection is respectfully requested.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

We believe that we have appropriately provided for fees due in connection with this submission. However, if there are any other fees due in connection with the filing of this Response, please charge our Deposit Account No. 18-1945, under Order No. SMCY-P01-103 from which the undersigned is authorized to draw.

Dated: September 26, 2006

Respectfully submitted,

By   
Wolfgang E. Stutius  
Registration No.: 40,256  
ROPES & GRAY LLP  
One International Place  
Boston, Massachusetts 02110-2624  
(617) 951-7000  
(617) 951-7050 (Fax)  
Attorneys/Agents For Applicant